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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,157	06/26/2001	Tyler Lowrey	2024.27	2906
2.,,02	7590 09/24/2002			
ENERGY CONVERSION DEVICES, INC. 2956 WATERVIEW DRIVE ROCHESTER HILLS, MI 48309			EXAMINER	
			PHAM, HOAI V	
		,	ART UNIT	PAPER NUMBER
			2814	
			DATE MAILED: 09/24/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    California   Califo	-		Application No.	Applicant(s)			
Examiner	. Office Action Summary		09/891,157	LOWREY ET AL.			
Preiod for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Excessions of the map be available under the provisions of 37 CFR 1.15(e). In no event, however, may a reply be timely filed  Letter the pencil for reply appelled above, the maximum of 37 CFR 1.15(e). In no event, however, may a reply be timely filed  If the pencil for reply appelled above, the maximum of 37 CFR 1.15(e). In no event, however, may a reply be timely filed  If the pencil for reply appelled above, the maximum of 17 CFR 1.15(e).  If NO pencil for reply appelled above, the maximum abutatory pencil diagoly and will expect \$(6) (MONTHS from the mailing date of this communication.  Failure to reply which he set or extended admost her reply will, by statute, cause the application to become ABANDONED (39 U.S.C.§ 133).  Examined plants them adjustment. Set 37 CFR 1.704(b).  Status  1 ∑ Responsive to communication(s) filed on 26 June 2001.  2a ∑ This action is FINAL.  2b ∑ This action is formation application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 ∑ Claim(s) 1-102 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5 ∑ Claim(s) is/are allowed.  6 ∑ Claim(s) is/are allowed.  6 ∑ Claim(s) is/are rejected.  7 ∑ Claim(s) is/are rejected to.  8 ∑ Claim(s) is/are rejected to by the Examiner.  10 ∑ The specification is objected to by the Examiner.  Application Papers  9 ∑ The specification is objected to by the Examiner.  11 ∑ The proposed drawings are required in reply to this Office action.  12 ∑ The oath or declaration is objected to by the Examiner.  12 ∑ The oath or declaration is objected to by the Examiner.  12 ∑ The oath or declaration is objected to by the Examiner.  12 ∑ The oath or declaration is objected to by the Exa							
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of the map be available under the provision of 3° CFR 1.136(a). In no event, however, may a reply be timely filed  If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days, well be considered timely.  If the period for reply specified above is the sist han thirty (30) days, a reply within the statutory provided for reply specified above, the maximum statutory period will supply and will expire 3.6(6) MONTHS from the mailing date of this communication.  Fallure to reply within the set or estanded priorid for reply will, by statute, cause the application is become ABANDONED (38 U.S. C.§ 133). seamed priorit term adjustment. See 37 CFR 1.704(b).  Status  1)\[ \text{Responsive to communication(s)} filed on \( \frac{26 June 2001}{2.01 Limits} \).  2a)\[ \text{This action is FINAL.}  2b)\[ \text{This action is non-final.} \]  3)\[ \text{Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under \( Ex \) part \( \text{Quayle}, 1935 \text{ C.D. 11, 453 O.G. 213}. \)  Disposition of Clalims  4)\[ \text{Claim(s)}  \frac{1}{1.452} \text{ are allowed.} \]  4)\[ \text{Claim(s)}  \frac{1}{1.452} \text{ are allowed.} \]  5)\[ \text{Claim(s)}  \frac{1}{1.452} \text{ are subjected to.} \]  8)\[ \text{Claim(s)}  \frac{1}{1.452} \text{ are allowed.} \]  6)\[ \text{Claim(s)}  \frac{1}{1.452} \text{ are expired to by the Examiner.} \]  7)\[ \text{The proposed drawing correction filed on   \frac{1}{1.452} \text{ and proved by the Examiner.} \]  10\[ \text{The proposed drawing correction filed on    \text{ as a payroved by the Examiner.} \]  11\[ The proposed drawing correction filed on                 \qu			ears on the cover sheet with the c	orrespondence address			
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	Attachment(s)						
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) Notice	of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal P				

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## **DETAILED ACTION**

## Election/Restriction

1. Claims 1-102 are containing claims directed to the following patentably distinct species of the claimed invention:

Embodiment 1 of figure 1A.

Embodiment 2 of figure 1C.

Embodiment 3 of figure 1D.

Embodiment 4 of figure 3A.

Embodiment 5 of figure 3B.

Embodiment 6 of figure 4A.

Embodiment 7 of figure 4B.

Embodiment 8 of figure 4C.

Embodiment 9 of figure 5A.

Embodiment 10 of figure 5C.

Embodiment 11 of figure 7.

Embodiment 12 of figure 8.

- 2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no claims generic.
- 3. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

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is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

- 4. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).
- 5. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoai V Pham whose telephone number is 703-308-6173. The examiner can normally be reached on 6:30A.M. 6:00P.M..
- 7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 703-306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

HP Hoai Pham September 10, 2002

> OLIK CHAUDHURI SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2800